



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/806,300

03/22/2004

Michael L. McCormick

1824

35236

7590

01/27/2006

THE CULBERTSON GROUP, P.C.  
1114 LOST CREEK BLVD.  
SUITE 420  
AUSTIN, TX 78746

EXAMINER

KNOX, STEWART

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/806,300	MCCORMICK, MICHAEL L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stewart T. Knox	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                        |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)    |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: <u>Murtz Reference (4 pages)</u> |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's arguments, see "Groups I and II are not properly restricted as combination and subcombination", filed 12/30/2005, with respect to the consideration of both groups, have been fully considered and are persuasive. The restriction between Groups I and II has been withdrawn, and thus claims 6-8 are considered in this action.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6-7, 27-30, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimber Model 82 U.S. Government Bolt-Action Rifle (Murtz, page 658). It is the Examiner's position that the claim language OEM (Original Equipment Manufacturer) components apply to any firearm component that can be replaced.

3. In regards to claims 1-2, Murtz discloses a trigger group (2) for a firearm including an upper receiver (26) and lower receiver (16) with a trigger group receiving opening in the lower receiver. Consequently, the reference inherently discloses a method of installing a trigger group in a firearm, comprising the steps of assembling a number of trigger group components (3-7) in a trigger group module (2), separating the upper receiver, inserting the trigger group module into the receiver, and reconnecting the upper receiver. Murtz further discloses retaining the trigger

group in the lower receiver with one or more retaining devices (screws 49) prior to reconnecting the upper receiver (through at least pin 25)

4. In regards to claims 6, Murtz inherently discloses a method of assembling a firearm having a frame made up of an upper and lower receiver including the steps of assembling a number of trigger group components in a module housing to produce a pre-assembled trigger group module (2), placing the pre-assembled trigger group module in an operating position in the lower receiver (while attached to the upper receiver), and securing the upper receiver to the lower receiver (through at least pin 25) to enclose the module housing in the firearm. In regards to claim 7, the trigger group module is considered secured in the operating position in the lower receiver before the upper receiver is secured through pin 25.

5. In regards to claims 23, 24, and 27-30, removing a first trigger group pin (49) will release a first trigger group component with respect to the firearm and with respect to a second trigger group component, and removing a second trigger group pin (the other pin 49) will release the second trigger group component with respect to the firearm, and any new trigger module secured in the lower receiver would be secured through the openings for pins 49.

6. In regards to claim 25 and 26, the step of securing the trigger group module in the lower receiver includes inserting a first pin and a second pin (49) through a first and second pin receiver (the corresponding holes to elements 49) of the trigger group housing.

7. In regards to claim 32, all claimed elements have been disclosed in the above discussions.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-5, 8, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murtz in view of Butler (6,347,569). Murtz discloses the claimed invention except for the step of supporting the trigger group module from a pin receptacle in the lower receiver by inserting a pin through a pin receiver or modular pin opening in the trigger group module, wherein the pin receptacle openings are formed in opposing side walls of the lower receiver. Butler teaches a trigger group module (figs. 2, 5a, 5b, elem. 30) for a firearm that includes a pin (unlabeled, at the right of fig. 5a) contained in a pin receiver or modular pin opening in the trigger group module, inherently to be received in corresponding pin receptacle openings formed in the opposing side walls of the lower receiver, in order to further secure the trigger group to the firearm. This is analogous art because both are solving the same problem – that of retaining a modular trigger group in the lower receiver of a firearm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the trigger group module and lower receiver of the Model 82 firearm as pictured by Murtz to include a pin, pin receiver, and corresponding lower receiver pin receptacle openings as taught by Butler in order to further secure the trigger group module to the firearm.

*Conclusion*


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Heckler and Koch 93A2 Autoloading Rifle (Murtz, page 620) and the Heym Model SR 20 Bolt-Action Rifle (Murtz, page 625).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stewart T. Knox whose telephone number is (571) 272-8235. The examiner can normally be reached on Monday through Thursday, 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STK

  
Michael J. Carone  
SP# 3641